

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
The Honorable Stanley A. Bastian

United States of America,

Plaintiff,

v.

Charmmorro Vijay Strothers,

Defendant.

No. 1:24-CR-2006-SAB

**Sentencing Memorandum**

**Sentencing  
September 3, 2024, 1:30 p.m.**

Mr. Strothers participated in an unfortunately increasingly common<sup>1</sup> fraudulent scheme—calling someone on the phone, pretending to be law enforcement, advising them they have a warrant out for their arrest, then tell them they must pay a substantial sum of money to avoid being arrested. There is no indication that Mr. Strothers was the mastermind who cooked up this idea. To the contrary, odds are the unknown individual on the phone was in charge. In any event, Mr. Strothers has accepted his responsibility for defrauding two victims (one in this District, one in the Western District of Washington). His conviction in this case will make him a convicted felon. He has already served one year and one day in continuous custody for his conduct. Mr.

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<sup>1</sup> See, e.g., <https://www.uscourts.gov/news/2014/06/02/warning-arrest-warrant-scam> (UScourts.gov notice regarding similar scheme); and <https://www.ilnd.uscourts.gov/assets/documents/PDF%20Of%20JURY%20SCAM.pdf> (notice from Northern District of Illinois noting that “Federal District Courts around the country” are receiving reports of similar schemes). Counsel is also personally aware that staff within the United States Attorney’s Office, Federal Defender’s Office, and his own wife have received similar phone calls within the last 12 months.

1 Strothers has a history of productive employment. Aside from two incidents from more  
2 than a decade ago, he has proven capable of being a law-abiding citizen. Further  
3 imprisonment will provide little tangible benefit to him. Moreover, returning him to the  
4 community will allow him to obtain employment and begin repaying his victims for  
5 their losses. For these reasons and others argued herein, this Court should sentence Mr.  
6 Strothers to 15 months' imprisonment<sup>2</sup> followed by 3 years of supervised release.  
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### 8 **Factual and Procedural Background**

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10 In August 2023, Mr. Strothers flew from Georgia (where he resides) to  
11 Washington. While here, he participated in a scheme to defraud two victims (A.Z. and  
12 K.R.) of a total of \$83,000. An unknown person communicated on the phone with A.Z.  
13 and K.R., posing as law enforcement officers, telling them that they had warrants out  
14 for their arrest—no such warrants existed. Nevertheless, fear motivated both victims  
15 to withdraw significant amounts of cash (\$39,000 and \$44,000, respectively) to pay to  
16 avoid being arrested. Both victims drove to a location chosen by the person on the  
17 other end of the phone, near bail bond businesses in Yakima and Tacoma. At these  
18 locations, Mr. Strothers made contact with both victims, took the cash that they handed  
19 over, and wrote them receipts. When A.Z. asked for his identification (i.e. a badge  
20 number), he told her he could not provide that because he was a United States Marshal.  
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25 <sup>2</sup> Counsel anticipates that Mr. Strothers has already served in real time what a 15-month sentence on paper would require, and thus his sentence would effectively be “time served.”

1 Through combinations of video surveillance, rental car records, and a photo  
2 montage identification, law enforcement identified Mr. Strothers as the person who met  
3 with both victims and received the cash. They apprehended him at the SeaTac airport  
4 on August 18, 2023. At that time, he had \$59,700 in cash within his possession along  
5 with a receipt booklet containing receipts identical to the ones recovered from the  
6 victims. Mr. Strothers has been in continuous custody, first on pending state charges  
7 and then on the instant federal case, since his arrest one year ago.  
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10 After the case transferred from state to federal court in February 2024, Mr.  
11 Strothers promptly pled guilty pursuant to a written plea agreement with the United  
12 States.<sup>3</sup> This plea agreement is a global plea agreement that will result in the dismissal  
13 of state charges for the victim in Tacoma. He has accepted responsibility for his actions  
14 and agreed to pay restitution to both victims.  
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### 16 **Advisory U.S.S.G. Calculations, Impact of Plea Agreement**

17 The draft PSR calculates an advisory guideline range of 24-30 months'  
18 imprisonment, based on a total offense level of 16 and criminal history category of II.<sup>4</sup>  
19 Notably, Probation applies a cross-reference from the primary guideline to an alternate  
20 guideline applicable to "extortion by fear, a violation of 18 U.S.C. § 1951."<sup>5</sup> Mr.  
21 Strothers does not object to the calculated advisory guideline range.  
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25 <sup>3</sup> See ECF 22.

<sup>4</sup> See ECF 24 at p. 17.

<sup>5</sup> *Id.* at pp. 7-8.

1 The United States has filed an objection to the draft PSR.<sup>6</sup> Specifically, the  
2 United States objects and argues that a 2-level increase should apply under §  
3 2B1.1(b)(10)(C). Probation elected not to apply this enhancement.<sup>7</sup> While Mr. Strothers  
4 believes this enhancement should not apply and the Court should deny the United  
5 States' objection, it is ultimately irrelevant. Even if the Court sustains the objection, the  
6 end result will be that the primary guideline (§ 2B1.1) and cross-reference guideline (§  
7 2B3.2) will have the same total offense level of 19.<sup>8</sup> Consequently, the advisory guideline  
8 range will be the same whether the Court sustains the objection or not. If the Court  
9 determines its ruling on this issue “will not affect sentencing,” then the Court need not  
10 rule on the objection.<sup>9</sup> Mr. Strothers has a total appeal waiver in his plea agreement<sup>10</sup>  
11 and it seems unlikely the United States would have any basis to appeal this issue because  
12 of its lack of impact on the advisory guideline range. Therefore, Mr. Strothers urges the  
13 Court to deny the United States' objection as moot.  
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17 As noted, Mr. Strothers pled guilty pursuant to a written plea agreement. Therein,  
18 Mr. Strothers agreed to pay the victims \$84,000 in restitution, representing their  
19 respective losses of \$39,000 and \$45,000.<sup>11</sup> Victim A.Z. has requested additional  
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21 <sup>6</sup> See ECF 27.

22 <sup>7</sup> See ECF 24 at p. 7 n. 2.

23 <sup>8</sup> See ECF 24 at p. 7 (noting adjusted offense level of 17 without the 2-level  
24 “sophisticated means” enhancement) and p. 8 (noting adjusted offense level of 19 under  
25 § 2B3.2).

<sup>9</sup> See Fed. R. Crim. P. 32(i)(3)(B).

<sup>10</sup> See ECF 22 at p. 18.

<sup>11</sup> See *id.* at p. 14.

1 restitution for missed work and counseling, totaling \$2,945.77.<sup>12</sup> Mr. Strothers has no  
2 objection to this additional restitution request. As to sentencing recommendations, Mr.  
3 Strothers agreed to request a sentence of no less than 15 months while the United States  
4 agreed to ask for a sentence of no more than 30 months.<sup>13</sup> The United States has filed  
5 a written memorandum complying with this agreement.<sup>14</sup> These recommendations are  
6 not binding on the Court, which retains total discretion to sentence Mr. Strothers from  
7 “time served” up to the statutory maximum of 20 years’ imprisonment. As noted, Mr.  
8 Strothers has a total appeal waiver in his plea agreement.  
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### 10 **Argument Regarding Sentencing**

11 Mr. Strothers presents a sort-of dichotomy regarding his history. As a young  
12 man, he was involved in some very serious offenses.<sup>15</sup> However, after serving a year in  
13 prison (during which he earned his GED<sup>16</sup>), he was apparently a law-abiding citizen  
14 from approximately age 22-30. He has many years of productive employment under his  
15 belt. There are no indications of significant substance abuse or mental health  
16 problems.<sup>17</sup> He completed a 5-year term of probation in December 2022, with no  
17 violations.<sup>18</sup> Curiously, less than a year after completing probation, Mr. Strothers got  
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21 <sup>12</sup> See ECF 24 at p. 6 ¶ 23.

22 <sup>13</sup> See ECF 22 at p. 12.

23 <sup>14</sup> See ECF 29.

24 <sup>15</sup> See ECF 24 at pp. 9-11.

25 <sup>16</sup> See ECF 24 at p. 13 ¶ 84.

<sup>17</sup> Mr. Strothers did disclose some concerns about suffering from PTSD, but has not discussed the underlying cause.

<sup>18</sup> See ECF 24 at p. 9 ¶ 52.

1 involved in the instant fraudulent offense. At the time, he was working and making  
2 \$2,800 and \$3,600 per month—not a fortune by any means, but enough for him to live  
3 on.<sup>19</sup> When asked why he committed this offense, Mr. Strothers described it as a “good  
4 opportunity to get a jump start in life.”<sup>20</sup>

5  
6 While the offense Mr. Strothers committed is unquestionably serious and his  
7 involvement (personally meeting the victims to collect their money, claiming to be a  
8 U.S. Marshall when the scheme faced inquiry) merits punishment, he does appear to be  
9 someone with a high likelihood of success following this conviction. Again, he has his  
10 GED and meaningful work experience as well as a variety of job skills.<sup>21</sup> Unlike many  
11 defendants who come before this Court, there does not appear to be any drug or alcohol  
12 addiction that he must overcome. He has shown in the past that he can comply with  
13 supervision, doing so for five years in Georgia. It is clear from the nine letters of support  
14 submitted on his behalf that he has a strong support system awaiting him when he is  
15 released back into the community.<sup>22</sup>

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18 There is a clear and simple path for Mr. Strothers to remain out of trouble going  
19 forward—do not try to take shortcuts. Whatever frustrations he may have had with his  
20 income and employment, this “good opportunity” to “jump start” his life has instead  
21 proven to be a terrible decision and significant setback in his life. He has been in custody  
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24 <sup>19</sup> See ECF 24 at p. 14 ¶ 92.

25 <sup>20</sup> *Id.* at p. 7 ¶ 27.

<sup>21</sup> See *id.* at p. 13 ¶¶ 84-88.

<sup>22</sup> See Attachment 1.

1 for the last year in Washington across the country from everyone and everything he  
2 knows in Georgia. He will now be a convicted felon,<sup>23</sup> losing a substantial number of  
3 rights and gaining the stigma that comes along with it.<sup>24</sup> Mr. Strothers likely will also  
4 suffer some employment setbacks because he has been convicted of a fraud offense.  
5 Even if he manages to find gainful employment, his restitution debt will likely take many  
6 years to pay off.<sup>25</sup> He will not be able to make any substantial purchases or build any  
7 savings of his own until he makes his victims whole. These punishments are sufficient  
8 enough.  
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11 Imprisoning Mr. Strothers for approximately another year would serve no  
12 meaningful benefit to him, to the victims, or to the Court. Mr. Strothers will not have  
13 sufficient time to participate in programming that would help him become more  
14 employable. He will not have time to further his education by obtaining a college degree.  
15 Frankly, all that will happen is the Court will merely delay his ability to get a job and  
16 begin earning money to pay restitution to his victims. Instead, the Court should  
17 sentence him to 15 months' imprisonment (essentially time served given his time in  
18 custody) and allow him to begin serving his term of supervised release. He can  
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22 <sup>23</sup> It does not appear from available records that Mr. Strothers' 2015 conviction in  
23 Georgia is a felony offense based on the sentence imposed.

24 <sup>24</sup> Of course, that stigma means less now than it has in years and decades passed. After  
25 all, felons can be President.

<sup>25</sup> Assuming the cash seized from him is applied to restitution, Mr. Strothers will still  
owe almost \$30,000 in restitution. If he could afford to pay \$100/month toward  
restitution, it would take him approximately 25 years to pay his debt.

1 immediately seek out and obtain employment and begin working to repay his debts to  
2 the victims.

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4 **CONCLUSION**

5 For the reasons set forth herein, the Court should sentence Mr. Strothers to 15  
6 months' imprisonment followed by 3 years of supervised release.

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10 Dated: August 19, 2024.

11  
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**Certificate of Service**

I hereby certify that on August 19, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following: Courtney Pratten and Ben Seal, Assistant United States Attorneys.

s/ Paul E. Shelton

Paul E. Shelton